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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230
Keith A. Miesel
Serial No.: 10/825,955
Filed: April 15, 2004 Customer No.: 28863
Examiner: Unknown
Group Art Unit: 3736 Docket No.: 1023-362US01
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on September 21, 2005.

By: Shirley A. Betlach
Name: Shirley A. Betlach

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This statement is being filed, to the best of Applicant's knowledge, before the receipt of a first Office Action on the merits.

Applicant has enclosed a copy of each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Respectfully submitted,

Date: 21 SEPTEMBER 2005

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| Form 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | | Docket Number: 1023-362US01 | | Application Number: 10/825,955 | |
| | | Applicant: Kenneth T. Heruth; Keith A. Miesel | | | |
| | | Filing Date: April 15, 2004 | | Group Art Unit: 3736 | |
| | | Examiner Name: Unknown | | | |

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| EXAMINER | Date Considered |
|-----------------|------------------------|

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Based on Form PTO-FB-A820
(Also form PTO-1449)**

Patent and Trademark Office, U.S. Department of Commerce